

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

DAVID ANTONIO PEREZ-ESCOBAR	)	
	)	Case No. 25-CV-11781
Petitioner,	)	
	)	<b>PETITION FOR WRIT OF</b>
v.	)	<b>HABEAS CORPUS</b>
	)	
ANTONE MONIZ, Superintendent, Plymouth	)	
County Correctional Facility,	)	
PATRICIA HYDE, Field Office Director,	)	
MICHAEL KROL, HSI New England Special	)	
Agent in Charge, and TODD LYONS, Acting	)	
Director U.S. Immigrations and Customs	)	
Enforcement, and KRISTI NOEM, U.S. Secretary	)	
of Homeland Security,	)	
	)	
Respondents.	)	
	)	

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**INTRODUCTION**

1. Petitioner David Antonio Perez- Escobar is a Salvadoran national who the U.S. government paroled into the United States on an Order of Supervision on May 18, 2019. In light of his valid fear of return to his country of origin, he has been pushing for and awaiting a Reasonable Fear Interview, which the Department of Homeland Security has yet to arrange. See 8 C.F.R. §§ 208.31, 241.8(e). On information and belief, Mr. Perez-Escobar was unlawfully detained by federal immigration agents on June 18, 2025.
2. Accordingly, to vindicate Petitioner's constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
3. Petitioner asks this Court to find that he was unlawfully detained and order his release.

**JURISDICTION**

4. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).
5. Venue is proper because Petitioner resides and was detained in Burlington, MA, and on information and belief is detained in the District of Massachusetts.

### **PARTIES AND FACTS ALLEGED**

6. The Petitioner David Antonio Perez-Escobar is a father of two young children, one of whom is a US citizen child with medical needs. He is also an agricultural worker by trade and has been most recently working in the service industry at a local restaurant. He resides in Somerville, Massachusetts with his long-term partner and children.
7. Mr. Escobar-Perez's spouse and child have a pending asylum application before the Immigration Court.
8. On May 18, 2019, Mr. Perez-Escobar presented at the southern border, fleeing violence and death threats together with his common law spouse and child. Customs and Border Patrol and the Department of Homeland Security allowed his entry to the United States under an Order of Supervision (OSUP). Based on this OSUP the US government also provided Mr. Perez-Escobar with Employment Authorization.
9. Since 2019, Mr. Perez-Escobar has complied with the terms of his release to the interior of the United States. He has reported to all of his check-ins with ICE.
10. On June 18, 2025, while complying with the terms of his Order of Supervision, ICE arrested and detained him with no articulation of the basis for his detention. He is still awaiting the Reasonable Fear Interview he requested in order to pursue his asylum claim in the United States.

11. Mr. Perez-Escobar does not have any criminal history in the United States or anywhere in the world.
12. Respondent Patricia Hyde is the New England Field Office Director for U.S. Immigration and Customs Enforcement.
13. Respondent Michael Krol is the New England Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.
14. Respondent Todd Lyons is the Acting Director for U.S. Immigration and Customs Enforcement.
15. Respondent Kristi Noem is the U.S. Secretary of Homeland Security.
16. Respondent Antone Moniz is the Superintendent of the Plymouth County Correctional Facility and is petitioner's immediate custodian.
17. All respondents are named in their official capacities.
18. Petitioner is a Salvadoran national in awaiting a reasonable fear interview to establish his fear of return to El Salvador. On information and belief, he was detained without cause by U.S. Immigration and Customs Enforcement agents on June 18, 2025.
19. On information and belief, Petitioner is currently in custody in the District of Massachusetts, and one or more of the Respondents is his immediate custodian.

**CLAIMS FOR RELIEF**

**COUNT ONE**  
**Violation of Fifth Amendment Right to Due Process**

1. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Petitioner shall not be transferred outside the District of Massachusetts;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,  
*Counsel for Petitioner*

/s/Justin R. Dashner

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